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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/781,090 | 01/12/2001 | Anadish Kumar Pal | | 7477 |

7590 06/11/2004
ANADISH KUMAR PAL
194 VAISHALI
PITAMPURA
DELHI, 110088
INDIA

EXAMINER

DEPUMPO, DANIEL G

| ART UNIT | PAPER NUMBER |
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3611

4

DATE MAILED: 06/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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3611 *Remailed 4*
DATE MAILED: 01/15/2002

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Office Action Summary

Application No.

09/781,090

Applicant(s)

Pal

Examiner

Daniel G. DePumpo

Art Unit

3611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 12, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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1. The amendment filed June 6, 2001 has not been entered because it is not in proper format. In order to amend the claims, applicant is required to provide a "marked up" copy of the claims which shows the changes. Applicant is also required to provide a "clean copy" of the claims. Although this amendment has not been formally entered, the examiner has read the amendment and is aware of applicant's intentions. Entry of this amendment would not affect the rejections below.

2. The Abstract of the Disclosure is objected to because it is too long. The Abstract should not exceed 25 lines of text and should be within the range of 50 to 250 words. Correction is required. See MPEP § 608.01(b).

3. The title is objected to because it is too long. It should be short and specific as possible. See MPEP 606.

4. The top margins of the specification papers are not adequate. The top lines of the pages are not legible because holes have been punched in the top of the papers to fasten them to the Patent Office file wrapper. New application papers with adequate top margins are required.

5. The disclosure is objected to because of the following informalities:

At page 5, line 24, it is disclosed that the batteries are "in the cavity behind the direct-drive motor". Since the motor appears to occupy the entire wheel rim of the vehicle, it is unclear how the batteries can be "behind" the motor.

At page 6, line 26, reference is made to axis "AA". Axis AA is not shown clearly in the drawings.

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At page 7, line 24, it is unclear what element comprises the "wine-glass-like shape". It is suggested to include an appropriate reference number for this element in the specification and drawings.

6. The claims are objected to because they are not properly numbered. The claims must be numbered consecutively. For purposes of this office action, the claims have been numbered as 1 through 6. Claims 1, 3 and 6 are considered to be independent claims since they do not refer back to any other claim. Appropriate correction is required. Note the format of the claims in the patent(s) cited.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-6 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. Also, numerous elements lack proper antecedent basis. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. Appropriate correction is required.

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9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 3, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Barber '395.

Barber discloses a device having the structure to the degree claimed, in view of the 35 U.S.C. 112 rejections discussed above. The device includes two wheels 10, 12. Frame 14/48 is considered to comprise an axle to the same degree as claimed. The axle includes various extensions. The seat back and screen 144 are considered to comprise fenders to the same degree as claimed. As shown in fig. 11, the device includes a motor mounted on the axle. Passengers may enter through the ends of the axle. The circumference is more than half the tire circumference.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barber '395.

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As set forth above, Barber '395 teaches substantially all that is claimed, but discloses the use of motor control buttons, instead of a joystick as claimed. However, Official Notice is taken that the use of a joystick to control a motor is extremely common. It would have been obvious to modify Barber by using a joystick for motor control, to provide easy directional control over the vehicle.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barber '567, Cho, van den Berg, Freeman, Jackson, Dunay, Hessari, and Hoshino disclose various devices having features in common with the instant invention.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel G. DePumpo whose telephone number is (703) 308-1113.



DANIEL G. DePUMPO
PRIMARY EXAMINER

dgd

January 10, 2002